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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,755	11/26/2003	Keith B. Stobie	13768.459	9956
47973	7590	08/22/2007		
WORKMAN NYDEGGER/MICROSOFT			EXAMINER	
1000 EAGLE GATE TOWER			WEI, ZHENG	
60 EAST SOUTH TEMPLE				
SALT LAKE CITY, UT 84111			ART UNIT	PAPER NUMBER
			2192	
			MAIL DATE	DELIVERY MODE
			08/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Interview Summary**

Application No.

10/723,755

Applicant(s)

STOBIE ET AL.

Examiner

Zheng Wei

Art Unit

2192

All participants (applicant, applicant's representative, PTO personnel):

(1) Zheng Wei.

(3) \_\_\_\_\_.

(2) Jens C. Jenkins (Reg#:44803).

(4) \_\_\_\_\_.

Date of Interview: 15 August 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference  
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1 and 17.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed about proposed amendment of claims 1 and 17. The Applicant further clarified the proposed new claims 42-43 and related specification disclosure. Based on the amendment discussed during the interview, further prior search might be required when the applicant files the official amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**

Examiner Note: You must sign this form unless it is an  
 Attachment to a signed Office action.

\_\_\_\_\_  
 Examiner's signature, if required.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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**TELECOPIER COVER SHEET**

August 10, 2007

Total Number of Pages  
(including cover letter): 2 pages

Please deliver the transmitted facsimile pages to:

**Examiner Zheng Wei**  
United States Patent & Trademark Office

Business Phone (571) 270-1059

Telecopier Phone: (571) 270-2059

From: Angela Young for JENS C. JENKINS

Comments: Please see the attached Interview Request Form PTO 413A  
Proposed In-Person Interview for August 14, 2007 at 1:00PM

Serial No. 10/723,755

Docket No. 13768.459

\*\*\*\*\*  
We are transmitting from a Sharp FO-750 or Sharp FO-6100 facsimile machine. If you do not receive all the pages or they are unreadable, please contact me as soon as possible at (801) 533-9800.

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AHY000000637V001

### Applicant Initiated Interview Request Form

Application No.: 10/723,755 First Named Applicant: Keith B. Stobie  
 Examiner: Zheng Wei Art Unit: 2192 Status of Application: After Final Office Action

**Tentative Participants:**

(1) Jens C. Jenkins (2) \_\_\_\_\_  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: August 14, 2007 Proposed Time: 1:00PM

**Type of Interview Requested:**

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1</u>	<u>Johnson 2004/0073890</u>	[ ]	[ ]	[ ]
(2) <u>Rej.</u>	<u>21</u>	<u>Ruffolo 2003/0196190</u>	[ ]	[ ]	[ ]
(3) <u>Rej.</u>	<u>17,25</u>	<u>APA</u>	[ ]	[ ]	[ ]
(4) _____	_____	_____	[ ]	[ ]	[ ]

☒ We will discuss independent claims, scope of the invention, distinctions between the claims and the cited art, as well as proposed amendments that are still being worked on.

☐ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

(1) Attorney to present brief summary of invention (2) Attorney to discuss rejected claims and cited art, including the independent claims (3) Attorney to present proposed amended claims and discuss how proposed amended claims overcome rejections and distinguish from art of record. A copy of the proposed amended claims will be made available to the Examiner at the Interview (4) Attorney to discuss any formal matters.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
 (Applicant/Applicant's Representative Signature)

\_\_\_\_\_  
 (Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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**TELECOPIER COVER SHEET**

August 14, 2007

Total Number of Pages  
(including cover letter): 3 pages

Please deliver the transmitted facsimile pages to:

**Examiner Zheng Wei**  
United States Patent & Trademark Office

Business Phone (571) 270-1059

Telecopier Phone: (571) 270-2059

From: Angela Young for JENS C. JENKINS

Comments: Please find attached the Proposed Claim Amendments for the  
In-Person Interview, August 15, 2007 at 3:00PM

Serial No. 10/723,755

Docket No. 13768.459

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AHY000000637V001

\*\*\*CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION\*\*\*  
\*\*\*DO NOT ENTER IN THE RECORD\*\*\*

DYNAMICALLY TUNABLE SOFTWARE TEST VERIFICATION

Serial No. 10/723,755

Attorney Docket No. 13768.459

Examiner Zheng Wei

Interview August 15<sup>th</sup> @ 3:00PM

1. (Previously Presented) In a computer system that includes software under test, a method of verifying the software with one or more tunable test cases that are capable of being set to any of a plurality of verification levels, the method comprising acts of:

reading in one or more test cases that include a plurality of software testing instructions organized as a plurality of verification levels within a verification hierarchy, wherein at least two verification levels within the verification hierarchy define different amounts of checking to perform for determining if the software function was intended when executed;

reading in verification settings that define one or more desired verification levels within the verification hierarchy;

identifying a test group comprising a plurality of test cases including at least one of the one or more test cases having software testing instructions that corresponds to the one or more desired verification levels;

running a test on the software with all of the plurality of test cases within the test group by running the software testing instructions corresponding to the one or more desired verification levels of each of the test cases in the test group;

upon detecting an adverse or unexpected result from running the test, determining which of the test cases has caused the adverse or unexpected result, and wherein the determination of which of the isolated test cases has caused the adverse or unexpected result is accomplished by isolating the plurality of test cases within the test group and running each of the isolated test cases individually; and

upon running each of the isolated test cases individually, determining which of the isolated test cases caused the adverse or unexpected result.

See ¶30, ¶25 for these claim amendments to this and the following claims

Claim 15 to also be addressed.

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17. (Currently Amended) In a computer system that includes software under test, a method of verifying the software with one or more tunable test cases that are capable of being set to any of a plurality of verification levels, the method comprising steps for:

loading one or more test cases that include a plurality of software testing instructions organized as a plurality of verification levels within a verification hierarchy, wherein at least two verification levels within the verification hierarchy define different amounts of testing to perform for determining if the software functions as intended when executed;

receiving verification setting instructions for one or more desired verification levels from within the verification hierarchy for use in testing the software, wherein the received verification setting instructions select the one or more desired verification levels from a group of verification levels that include at least first and second verification levels, wherein selection of the first verification level causes the one or more test cases to be run during testing and which includes invoking an insert record object to determine if the invocation of the insert record object results in a system crash and while refraining from without producing any recorded output, and wherein selection of the second verification level causes the one or more test cases to invoke an insert record object and to additionally verifying through recorded output that a record corresponding to the insert record object was properly inserted and present; and

~~be run during testing with recorded output; and~~

testing the software at the one or more desired verification levels, which include at least one of the first and second verification levels, by running the one or more test cases that include the plurality of software testing instructions that correspond to the one or more desired verification levels.

41. ~~Cancelled.~~

42. (New) A method as recited in claim 17, wherein selection of a third verification level causes verification of the record being inserted as well as verification that the record was only inserted a single time and wherein testing of the software includes running the third verification level.

43. (New) A method as recited in claim 17, wherein selection of a third verification level causes verification of the record being inserted as well as verification that the record was inserted without overwriting another record and wherein testing of the software includes running the third verification level.

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